

Civil Docket**Discovery: 3****141-269957-14**

Cause Of Action: INJURY OR DAMAGE, OTHER INJURY OR DAMAGE

NAMES OF PARTIES

ATTORNEYS

Date Filed
01/03/2014

RICHARD KNOX

MARYE, ERIC H.
2619 HIBERNIA STJury
Fee \$

vs.

DALLAS, TX 75204
BarID: 24004798TX Ph (214) 987-8240 PLTY
THE MARYE FIRM
EMARYE@MARYELAW.COMPaid
By GENERAL MOTORS, LLC ET ALDELGADO, VIONETTE D
1301 E COLLINS BLVD STE 490RICHARDSON, TX 75081
BarID: 24012546TX (214) 570-6296
DAVID KLOSTERBOER & ASSOCIATES
VDELGADO@TRAVELERS.COM

Date of Orders

ORDERS OF COURT

Was Steno Used?

A CERTIFIED COPY

ATTEST.

THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS

BY:

DEPUTY
SHARON BYRD

141-269957-14

CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): 141-269957-14 COURT (FOR CLERK USE ONLY): TARRANT COUNTY
 FILED
 1/3/2014 3:43:20 PM
 THOMAS A. WILDER
 DISTRICT CLERK

STYLED: Richard Knox vs. General Motors, LLC; Commercial Contracting Corporation, WPM, Inc.; WPM Construction Services, Inc.; WPM-Southco, LLC; Christopher J. Leon; Katelyn Shadock; Leon Equipment Company, LLC; and WPM
 (e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact Information for person completing case information sheet: Name: Eric H. Mayo Email: amayo@mayolaw.com Address: 2619 Hbarna Street Telephone: 214-557-6240 City/State/Zip: Dallas, Texas 75204 Fax: 214-557-6241 Signature: Eric H. Mayo (s) State Bar No: 24004758		Names of parties in case: Plaintiff(s)/Petitioner(s): Richard Knox Defendant(s)/Respondent(s): General Motors, LLC; Commercial Contracting Corporation, WPM, Inc.; WPM Construction Services, Inc.; WPM-Southco, LLC; Christopher J. Leon; Katelyn Shadock; Leon Equipment Company, LLC; and WPM (Attach additional page as necessary to list all parties)		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other:	
2. Indicate case type, or identify the most important issue in the case (select only 1):		Family Law			
Civil		Family Law			
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input checked="" type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability <input type="checkbox"/> List Product: <input checked="" type="checkbox"/> Other Injury or Damage: Negligent Activity	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Exemption <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	Post-Judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:				
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:				
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case): <input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input checked="" type="checkbox"/> Over \$1,000,000					

ATTEST: 2-20-14
 THOMAS A. WILDER
 DISTRICT CLERK
 TARRANT COUNTY, TEXAS

BY: Sharon Byrd
 DEPUTY
 SHARON BYRD

Rev 2/13

141-269957-14
THE MARYE FIRM
2619 Hibernia St.
Dallas, Texas 75204
Tel. (214) 987-8240 Fax (214) 987-8241

FILED
TARRANT COUNTY
1/3/2014 3:43:20 PM
THOMAS A. WILDER
DISTRICT CLERK

January 03, 2014

Mr. Thomas Wilder
Tarrant County District Clerk
401 W. Belknap, 3rd Floor
Fort Worth, TX 76196

Via E-File

Re: Richard Knox vs. General Motors, LLC., et al

Dear Mr. Wilder:

Below is the information for the citations that we are needing in the above referenced matter:

- 1 Defendant General Motors, LLC, a Michigan Company with its principal place of business in Michigan may be served with process by and through its registered agent Corporation Service Company at 211 E 7th Street, Suite 620, Austin, Texas 78701.
- 2 Defendant Commercial Contracting Corporation, a Michigan Corporation with its principal place of business in Michigan may be served by and through the Secretary of State by being served with process by and through its registered agent, W.H. Pettibone Jr., 4260 N. Atlantic Boulevard, Auburn Hills, Michigan, 48326.
- 3 Defendant W.P.M., Inc., a Michigan Corporation with its principal place of business in Michigan may be served with process by and through its registered agent, Christopher J. Leoni, 15800 Applewhite, San Antonio, Texas 78264.
- 4 Defendant WPM Construction Services, Inc., a Michigan Corporation with its principal place of business in Michigan may be served with process by and through its registered agent, InCorp Services, Inc., 815 Brazos Street, Suite 500, Austin, Texas 78701.
- 5 Defendant WPM-Southern, LLC, is a Michigan Company with its principal place of business in Michigan, may be served with process by and through its registered agent, Sean B. McNelis, 1100 N.E. Loop 410, Suite 550, San Antonio, Texas 78209.
- 6 Defendant Christopher J. Leoni, an individual residing in the state of Texas may be served at 15800 Applewhite, San Antonio, Texas 78264.
- 7 Defendant Katelyn Bilodeau, an individual residing in the State of Michigan may be served by and through the Secretary of State by being served at 135 Maywood Avenue, Rochester, Michigan 48307.
- 8 Defendant Leoni Equipment Company, LLC., is a Michigan Company with its principal place of business in Michigan, may be served with process by and through its registered agent, William H. Leoni, Jr., 8127 Industrial Park Drive, Grand Blanc, Michigan 48439

A CERTIFIED COPY

ATTEST: 2-20-14
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS

BY: Sharon Byrd
DEPUTY
SHARON BYRD 2pgs.

141-269957-14
9. Defendant W.H.L Equipment Inc., is a Michigan Company with its principal place of business in
Michigan, may be served with process by and through its registered agent, William H. Leoni, Jr.,
Industrial Park Drive, Grand Blanc, Michigan 48439
FILED
WILSON COUNTY
1/31/2014 3:43:20 PM
THOMAS A. WILDER
DISTRICT CLERK

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

/s/ Eric H. Marye

Eric H. Marye
Attorney at Law

EHM/cw

141-269957-14

FILED
TARRANT COUNTY
1/3/2014 3:43:20 PM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. _____

RICHARD KNOX	§	IN THE DISTRICT COURT
Plaintiff	§	
	§	
v.	§	
	§	
GENERAL MOTORS, LLC;	§	
COMMERCIAL CONTRACTING	§	
CORPORATION; W.P.M., INC.;	§	_____ JUDICIAL DISTRICT
WPM CONSTRUCTION SERVICES, INC.;	§	
WPM-SOUTHERN, LLC; LEONI	§	
EQUIPMENT COMPANY, LLC;	§	
W.H.L. EQUIPMENT, INC.;	§	
CHRISTOPHER J. LEONI; AND	§	
KATELYN BILODEAU	§	
Defendants	§	TARRANT COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Richard Knox (hereinafter "Plaintiff") complaining of and about General Motors, LLC; Commercial Contracting Corporation, W.P.M., Inc.; WPM Construction Services, Inc.; WPM-Southern, LLC; Leoni Equipment Company, LLC; W.H.L. Equipment, Inc.; Christopher J. Leoni; and Katelyn Bilodeau ("Defendants") and with cause of action would show unto the Court the following:

I.
DISCOVERY CONTROL PLAN

1.1 Pursuant to Texas Rules of Civil Procedure Rule 190, discovery for this case is intended to be conducted under Level 3. As required by Rule 47(b), Texas Rules of Civil Procedure, Plaintiff's counsel states that the damages sought are in an amount within the jurisdictional limits of this court. As required by Rule 47(c), Texas Rules of Civil Procedure, Plaintiff's counsel states that Plaintiff

PLAINTIFF'S ORIGINAL PETITION - KNOX
PAGE 1

A CERTIFIED COPY
ATTEST: 2-20-14
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: Sharon Byrd
DEPUTY
SHARON BYRD *apgs*

141-269957-14

FILED
TARRANT COUNTY
1/3/2014 3:43:20 PM
THOMAS A. WILDER
DISTRICT CLERK

seeks monetary relief in a sum greater than \$100,000. The amount of monetary relief actually awarded, however, will ultimately be determined by a jury. Plaintiff also seeks pre-judgment and post judgment interest at the highest legal rate.

II. **PARTIES AND SERVICE**

PLAINTIFF

2.1 Plaintiff Richard Knox is a resident of Bryan County, Georgia.

DEFENDANTS

2.2 Defendant General Motors, LLC, a Michigan Company with its principal place of business in Michigan may be served with process by and through its registered agent Corporation Service Company at 211 E 7th Street, Suite 620, Austin, Texas 78701.

2.3 Defendant Commercial Contracting Corporation, a Michigan Corporation with its principal place of business in Michigan may be served by and through the Secretary of State, State of Texas, Citation Unit, P.O. Box 12079, Austin, Texas 78711.

2.4 Defendant W.P.M., Inc., a Michigan Corporation with its principal place of business in Michigan may be served with process by and through its registered agent, Christopher J. Leoni, 15800 Applewhite, San Antonio, Texas 78264.

2.5 Defendant WPM Construction Services, Inc., a Michigan Corporation with its principal place of business in Michigan may be served with process by and through its registered agent, InCorp Services, Inc., 815 Brazos Street, Suite 500, Austin, Texas 78701.

2.6 Defendant WPM-Southern, LLC, is a Michigan Company with its principal place of business in Michigan, may be served with process by and through its registered agent, Sean B. McNelis, 1100

PLAINTIFF'S ORIGINAL PETITION – KNOX
PAGE 2

141-269957-14

FILED
TARRANT COUNTY
1/3/2014 3:43:20 PM
THOMAS A. WILDER
DISTRICT CLERK

N.E. Loop 410, Suite 550, San Antonio, Texas 78209.

2.7 Defendant Leoni Equipment Company, LLC., is a Michigan Company with its principal place of business in Michigan, may be served with process by and through the Secretary of State, State of Texas, Citation Unit, P.O. Box 12079, Austin, Texas 78711.

2.8 Defendant W.H.L Equipment Inc., is a Michigan Company with its principal place of business in Michigan, may be served with process by and through the Secretary of State, State of Texas, Citation Unit, P.O. Box 12079, Austin, Texas 78711.

2.9 Defendant Christopher J. Leoni, an individual residing in the state of Texas may be served at 15800 Applewhite, San Antonio, Texas 78264.

2.10 Defendant Katelyn Bilodeau, an individual residing in the State of Michigan may be served by and through the Secretary of State, State of Texas, Citation Unit, P.O. Box 12079, Austin, Texas 78711.

III.

MISNOMER, ALTER-EGO, & ASSUMED NAME

3.1 In the event any parties are misnamed or not included herein, such event was a “misnomer,” or such parties are or were “alter-egos” of parties named herein.

3.2 General Motors, LLC, is a business operating in Tarrant County, Texas. Plaintiffs bring this cause of action, in part, against General Motors, LLC, and relies upon arts. 6133 *et. seq.*, TEX. REV. CIV. STAT., and Rule 28, Tex. R. Civ. P., in order to properly identify the Defendant herein.

141-269957-14

FILED
TARRANT COUNTY
1/3/2014 3:43:20 PM
THOMAS A. WILDER
DISTRICT CLERK

3.2 W.P.M., Inc., is a business with its principle place of business in Michigan. Plaintiffs bring this cause of action, in part, against W.P.M., Inc., and relies upon arts. 6133 *et. seq.*, TEX. REV. CIV. STAT., and Rule 28, Tex. R. Civ. P., in order to properly identify the Defendant herein.

3.3 WPM Construction Services, Inc., is a business with its principle place of business in Michigan. Plaintiffs bring this cause of action, in part, against WPM Construction Services, Inc., and relies upon arts. 6133 *et. seq.*, TEX. REV. CIV. STAT., and Rule 28, Tex. R. Civ. P., in order to properly identify the Defendant herein.

3.4 WPM-Southern, LLC, is a business with its principle place of business in Michigan. Plaintiffs bring this cause of action, in part, against WPM-Southern, LLC, and relies upon arts. 6133 *et. seq.*, TEX. REV. CIV. STAT., and Rule 28, Tex. R. Civ. P., in order to properly identify the Defendant herein.

3.5 Leoni Equipment Company LLC., is a business with its principle place of business in Michigan. Plaintiffs bring this cause of action, in part, against Leoni Equipment Company LLC., and relies upon arts. 6133 *et. seq.*, TEX. REV. CIV. STAT., and Rule 28, Tex. R. Civ. P., in order to properly identify the Defendant herein.

3.6 W.H.L Equipment Inc., is a business with its principle place of business in Michigan. Plaintiffs bring this cause of action, in part, against Leoni Equipment Company LLC., and relies upon arts. 6133 *et. seq.*, TEX. REV. CIV. STAT., and Rule 28, Tex. R. Civ. P., in order to properly identify the Defendant herein.

3.7 Additionally any miss-naming of a Defendant or failure to name a proper Defendant is a misnomer or mistake, and this misnomer or mistake will not mislead or disadvantage the correct entity as the correct entity will have notice of this suit by service to the incorrect but related entity.

PLAINTIFF'S ORIGINAL PETITION – KNOX
PAGE 4

141-269957-14

FILED
TARRANT COUNTY
1/3/2014 3:43:20 PM
THOMAS A. WILDER
DISTRICT CLERK

Enserch Corp. v. Parker, 794 S.W.2d 2, 4-5 (Tex.1990), *Chilkewitz v. Hyson*, 22 S.W.3d 844, 848 (Tex.1999), *Mahar v. Herrman*, 69 S.W.3d 332, 338 (Tex.App—Fort Worth 2002, pet. denied), *Flour Bluff ISD v. Bass*, 133 S.W.3d 272, 274 (Tex.2004).

IV.
JURISDICTION AND VENUE

- 4.1 The subject matter in controversy is within the jurisdictional limits of this Court
- 4.2 This Court has jurisdiction over Defendants as they are doing business in the State of Texas and the occurrence which forms the basis of this lawsuit occurred in Texas.
- 4.3 Venue is proper in Tarrant County, Texas under the Texas Civil Practices and Remedies Code in that the acts or events complained of occurred in Tarrant, County, Texas.

V.
FACTS

5.1 On or about January 3, 2012, Plaintiff, an employee of W.P.M., Inc., returned to the Commercial Contracting Corporation worksite, on property owned by General Motors, LLC, in Arlington, Tarrant County, Texas. In the morning meeting it was pointed out to the Plaintiff that an excavator (Kobelco SK 480LC Hydraulic Excavator) had been left in an incorrect location by “Pedro”, another W.P.M., Inc. employee. This excavator had been brought on the worksite by the authority and under the direction of Christopher J. Leoni, an officer and principle in W.P.M., Inc.; WPM-Southern, LLC; WPM Construction Services, Inc.; Leoni Equipment Company, LLC.; and W.H.L. Equipment Inc. It is believed at this time that the excavator was owned or leased by W.P.M., Inc.; WPM-Southern, LLC; WPM Construction Services Inc.; Leoni Equipment Company, LLC.; and/or W.H.L. Equipment Inc. Plaintiff intended to move the excavator to the proper parking location. While Plaintiff was climbing the excavator he grabbed the handrail with his right hand and

PLAINTIFF'S ORIGINAL PETITION – KNOX
PAGE 5

141-269957-14

FILED
TARRANT COUNTY
1/3/2014 3:43:20 PM
THOMAS A. WILDER
DISTRICT CLERK

then fell backwards, landing on his head and neck, rendering him unconscious. Plaintiff awoke and was immediately transported to the emergency room. Later the Plaintiff was informed by Katelyn Bilodeau, the onsite safety officer for Commercial Contracting Corporation, that she had failed and “red flagged” that excavator due to the rusted and broken handrail, but on the insistence of Pedro and Christopher J. Leoni, she had rescinded her previous decision and allowed the use of the excavator prior to repairs.

VI. **NEGLIGENCE**

6.1 Defendants owed a duty to Plaintiff to provide a safe environment to carry on his work. This duty includes providing reasonably safe and suitable signage and safety tools to indicate that an unsafe condition may exist, help prevent any injuries, and provide safety training and instruction to all employees.

6.2 Defendants had reason to anticipate injury of employees due to the nature of the work involved and negligently failed to perform the duty arising on account of that anticipation in terms of providing a safe work environment and adequate safety instruction for employees.

6.3 Specifically, Defendants negligently failed to maintain the excavator in such a manner that the handrail and steps broke and gave way when the Plaintiff attempted to climb aboard the excavator, by negligently allowed a defective excavator onto the job site, negligently failed to remove from operation a known defective excavator, and by not noting in the excavator log book the conditions which led to the excavator needing to be removed from operation. The failure of the Defendants to perform said duties proximately caused the personal injuries of Plaintiff complained of herein.

PLAINTIFF'S ORIGINAL PETITION – KNOX
PAGE 6

141-269957-14

FILED
TARRANT COUNTY
1/3/2014 3:43:20 PM
THOMAS A. WILDER
DISTRICT CLERK

VII.
PREMISES NEGLIGENCE

7.1 At the time of the incident the General Motors, LLC, Defendants owned, leased, or otherwise occupied the premises where the incident occurred.

7.2 The project in question posed an unreasonable risk of harm to Plaintiff Richard Knox and others, and the General Motors, LLC, Defendants knew or reasonably should have known of the danger.

7.3 The General Motors, LLC, Defendants failed to exercise ordinary care to protect Plaintiff Richard Knox and others from the dangers of faulty equipment by both failing to adequately warn of the dangerous condition or by enacting and enforcing lock out/tag out procedures to isolate the faulty equipment from where he was working.

7.4 The General Motors, LLC, Defendants failure to use ordinary care proximately caused the incident, injuries, and damages to Plaintiffs.

7.5 In the alternative, the General Motors, LLC, Defendants had actual knowledge of injury-producing hazard and exercised or retained some control over the manner in which the injury-causing work was performed, other than the right to order the work to start or stop or to inspect progress or receive reports.

7.6 The General Motors, LLC, Defendants' failure to use ordinary care proximately caused the incident, injuries and damages to Plaintiffs.

VIII.
DAMAGES

8.1 As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff was injured. Plaintiff demands compensation for the following damages.

PLAINTIFF'S ORIGINAL PETITION - KNOX
PAGE 7

141-269957-14

FILED
TARRANT COUNTY
1/3/2014 3:43:20 PM
THOMAS A. WILDER
DISTRICT CLERK

1. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the incident complained of herein and such charges are reasonable and were usual and customary charges for such services;
2. Reasonable and necessary medical care and expenses which will, in all reasonable probability, be incurred in the future;
3. Physical pain and suffering in the past;
4. Physical pain and suffering which will, in all reasonable probability, be suffered in the future;
5. Mental anguish in the past;
6. Mental anguish which will, in all reasonable probability, be suffered in the future;
7. Loss of earnings in the past;
8. Loss of future earning capacity;
9. Past and future Physical impairment;
10. Past and future physical disfigurement; and
11. Past and future loss of household services.

8.2 By reason of all of the above, Plaintiff has suffered losses and damages in a sum within the jurisdictional limits of the Court and for which this lawsuit is brought.

IX.
JURY DEMAND

9.1 Pursuant to Rule 216 of the Texas Rule of Civil Procedure, Plaintiff respectfully requests that

PLAINTIFF'S ORIGINAL PETITION – KNOX
PAGE 8

141-269957-14

FILED
TARRANT COUNTY
1/3/2014 3:43:20 PM
THOMAS A. WILDER
DISTRICT CLERK

this case be tried before a jury.

X.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendants for damages in an amount in excess of the minimal jurisdictional limits of this court, together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully Submitted,
THE MARYE FIRM

/s/ Eric H. Marye _____
ERIC H. MARYE
State Bar of Texas No. 24004798
emarye@maryelaw.com
MARC S. CHASTAIN
State Bar of Texas No. 24081528
mchastain@maryelaw.com
2619 Hibernia Street
Dallas, TX 75204
Phone (214) 987-8240
Fax (214) 987-8241
ATTORNEYS FOR PLAINTIFF

PLAINTIFF'S ORIGINAL PETITION – KNOX
PAGE 9

141-269957-14

FILED
TARRANT COUNTY
2/18/2014 9:40:23 AM
THOMAS A. WILDER
DISTRICT CLERK

CAUSE NO. 141-269957-14

**RICHARD KNOX,
PLAINTIFF,**

VS.

**GENERAL MOTORS, LLC;
COMMERCIAL CONTRACTING
CORPORATION; W.P.M., INC.;
WPM CONSTRUCTION SERVICES,
INC.; WPM-SOUTHERN, LLC,
LEONI EQUIPMENT COMPANY,
LLC; W.H.L. EQUIPMENT, INC.;
CHRISTOPHER J. LEONI; AND
KATELYN BILODEAU
DEFENDANTS.**

§ **IN THE DISTRICT COURT**
§
§
§ **141ST JUDICIAL DISTRICT**
§
§
§
§
§
§
§
§
§
§ **TARRANT COUNTY, TEXAS**

**DEFENDANTS COMMERCIAL CONTRACTING
CORPORATION AND KATELYN BILODEAU'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME, Commercial Contracting Corporation and Katelyn Bilodeau, Defendants in the above-entitled and numbered cause, and in response to Plaintiff's Original Petition state to the Court and jury the following:

I.

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant enters this General Denial, and Defendants deny generally, each and every, all and singular, the allegations contained in Plaintiff's Original Petition and demand strict proof thereof.

WHEREFORE, PREMISES CONSIDERED, Defendants Commercial Contracting Corporation and Katelyn Bilodeau, having fully answered herein, pray that Plaintiff take nothing by reason of this suit, that Defendants go hence without day and recover costs of Court, and for such

A CERTIFIED COPY
ATTEST: 2-20-14
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: Sharon Byrd
DEPUTY
SHARON BYRD

DEFENDANTS COMMERCIAL CONTRACTING CORPORATION AND KATELYN BILODEAU'S ORIGINAL ANSWER

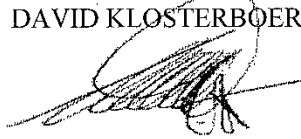
141-269957-14

FILED
TARRANT COUNTY
2/18/2014 9:40:23 AM
THOMAS A. WILDER
DISTRICT CLERK

other and further relief, both general and special, at law and in equity, to which Defendants may be
justly entitled.

Respectfully Submitted,

DAVID KLOSTERBOER & ASSOCIATES



VIONETTE DELGADO

Texas Bar No. 24012546

1301 E. Collins Blvd., Suite 490

Richardson, TX 75081

Direct Telephone: 214-570-6296

Main Telephone: 214-570-6300

Direct Facsimile: 855-870-1279

Email: vdelgado@travelers.com

ATTORNEYS FOR DEFENDANTS
COMMERCIAL CONTRACTING
CORPORATION AND KATELYN BILODEAU

CERTIFICATE OF SERVICE

This is to certify that, on this February 18, 2014, a true and correct copy of the foregoing
document was forwarded to all counsel of record as follows:

Eric H. Marye
The Marye Firm
2619 Hibernia Street
Dallas, Texas 75204
Facsimile 214-987-8241

____ Hand Delivery
____ Facsimile
XXX E-service
____ Receipted Commercial Delivery
____ Regular U.S. Mail

*Attorney for Plaintiff,
Richard Knox*



Vionette Delgado

141-269957-14



FILED
TARRANT COUNTY
2/18/2014 10:03:59 AM
THOMAS A. WILDER
DISTRICT CLERK

The State of Texas
Secretary of State

2014-236262-1

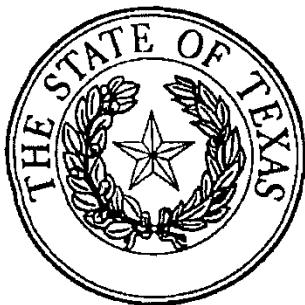
I, the undersigned, as Secretary of State of Texas DO HEREBY CERTIFY that according to the records of this office, a copy of the Citation and Plaintiff's Original Petition in the cause styled:

Richard Knox vs. General Motors, LLC et al
141st Judicial District Court Of Tarrant County, Texas
Cause No: 14126995714

was received by this office on January 23, 2014, and that a copy was forwarded on February 6, 2014, by CERTIFIED MAIL, return receipt requested to:

Commercial Contracting Corporation
W.H. Pettibone Jr., Registered Agent
4260 N. Atlantic Boulevard
Auburn Hills, MI 48326

The RETURN RECEIPT was received in this office dated February 10, 2014, bearing signature.



Date issued: February 10, 2014

NANDITA BERRY

Nandita Berry
Secretary of State

CT/vo

A CERTIFIED COPY

ATTEST: 22014

THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS

BY: Sharon Byrd

DEPUTY
SHARON BYRD *2/9/14*

Exhibit A - Page 16

141-269957-14

The State of Texas



Service of Process
P.O. Box 12079
Austin, Texas 78711-2079

FILED
TARRANT COUNTY
2/18/2014 10:03:59 AM
THOMAS A. WILDER
DISTRICT CLERK
Phone: 512-463-5560
Fax: 512-463-0873
TTY (800) 735-2989
www.sos.state.tx.us

Secretary of State

February 10, 2014

Eric H. Marye
The Marye Firm
2619 Hibernia St
Dallas, TX 75204

2014-236262

Include reference number in
all correspondence

RE: Richard Knox vs. General Motors, LLC et al
141st Judicial District Court Of Tarrant County, Texas
Cause No: 14126995714

Dear Sir/Madam:

Please find enclosed your Certificate(s) of Service for the case styled above.

If this office may be of further assistance to you, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink that reads "Venita Okpegbue".

Venita Okpegbue
Service of Process

Enclosure

141-269957-14

FILED
TARRANT COUNTY
2/20/2014 9:20:01 AM
THOMAS A. WILDER
DISTRICT CLERK

NO. 141-269957-14

RICHARD KNOX	§	IN THE DISTRICT COURT
	§	
Plaintiff,	§	
	§	
v.	§	OF TARRANT COUNTY, TEXAS
	§	
GENERAL MOTORS, LLC.;	§	
COMMERCIAL CONTRACTING	§	
CORPORATION; W.P.M., INC.;	§	
WPM CONSTRUCTION SERVICES, INC.;	§	
WPM-SOUTHERN, LLC; LEONI	§	
EQUIPMENT COMPANY, LLC;	§	
W.H.L. EQUIPMENT, INC.;	§	
CHRISTOPHER J. LEONI; AND	§	
KATELYN BILODEAU	§	
	§	
Defendants.	§	141 ST JUDICIAL DISTRICT

**DEFENDANT GENERAL MOTORS LLC'S ORIGINAL ANSWER TO PLAINTIFF'S
ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant General Motors LLC ("General Motors" or "GM"), files this its Special Exception and Original Answer to Plaintiff's Original Petition, and would respectfully show the Court as follows:

I.

GENERAL DENIAL

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, General Motors denies each and every material allegation contained in Plaintiff's Original Petition (including any amendment thereto), demands strict proof thereof, and to the extent such matters are questions of fact, says Plaintiff should prove such facts by a preponderance of the evidence to a jury if they can do so.

A CERTIFIED COPY
ATTEST: 2-20-14
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: Sharon Byrd
DEFENDANT GENERAL MOTORS, LLC'S S ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION DEPUTY CLERK
SHARON BYRD 5pgs.

141-269957-14

FILED
TARRANT COUNTY
2/20/2014 9:20:01 AM
THOMAS A. WILDER
DISTRICT CLERK**II.**

Pleading further, alternatively, and by way of affirmative defense, General Motors would show that, at the time and on the occasion in question, Plaintiff failed to use that degree of care and caution that would have been used by a person with ordinary prudence under the same or similar circumstances, and that such failure was alternatively, a proximate cause or a producing cause or the sole proximate or the sole producing cause of the accident in question and any alleged injuries and damages stemming therefrom. General Motors therefore invokes the comparative responsibility provisions of the Texas Civil Practice & Remedies Code § 33.001, *et. seq.* Additionally, General Motors herein pleads for contribution, indemnity and comparative responsibility from any and all parties whose negligence and/or fault is shown to be a proximately and/or producing cause of the occurrence in question pursuant to Chapters 32 and 33 of the Texas Civil Practice & Remedies Code. Similarly, to the extent that Plaintiff enters into settlements with any other parties, or alternatively collect any judgments from any other parties, General Motors prays for lawful offsets, credits and reductions pursuant to the laws of the State of Texas.

III.

Pleading further, alternatively, and by way of affirmative defense, General Motors would show the accident in question and Plaintiff's alleged injuries and damages were the result of negligent acts and/or omissions of others beyond General Motors' control, whose acts or omissions were a proximate cause or a producing cause or the sole proximate or the sole producing cause of the accident in question and Plaintiff's alleged injuries and damages.

141-269957-14

FILED
TARRANT COUNTY
2/20/2014 9:20:01 AM
THOMAS A. WILDER
DISTRICT CLERK

IV.

Pleading further, alternatively, and by way of affirmative defense, General Motors would show, in the unlikely event that any liability be found on the part of General Motors, that such liability be reduced by the percentage of the causation found to have resulted from the negligence and/or from the acts or omissions of Plaintiff and/or any other third parties pursuant to Chapters 32 and 33 of the Texas Civil Practice & Remedies Code.

V.

General Motors respectfully requests that a court reporter attend all sessions in Court in connection with this case and that said reporter take full notes of all testimony offered, together with any objections, rulings, and remarks of the Court and exemptions thereto and such other proceedings as may be needed or requested by said Defendant. *See Christie v. Price*, 558 S.W.2d 922 (Tex. Civ. App. — Texarkana 1977, no writ).

VI.

General Motors further pleads, in the alternative, that Plaintiff has failed to mitigate damages as required by law.

VII.

General Motors hereby gives actual notice that any and all documents produced during discovery may be used against the producing parties at any pre-trial proceeding and/or trial of this matter without the necessity of authenticating the document. This notice is given pursuant to Rule 193.7 of the TEX. R. CIV. P.

VIII.

General Motors also invokes § 18.091 of the TEX. CIV. PRAC. & REM. CODE and requests that to the extent that Plaintiff seeks recovery for loss of earnings, loss of support, loss of contributions of a pecuniary value, or a loss of inheritance, that the evidence to prove such loss

141-269957-14

FILED
TARRANT COUNTY
2/20/2014 9:20:01 AM
THOMAS A. WILDER
DISTRICT CLERK

must be presented in the form of a net loss after reduction for income tax payments or unpaid tax liability. General Motors further requests under that section that the Court instruct the jury as to whether any recovery for compensatory damages sought by Plaintiff is subject to federal income taxes.

IX.

General Motors invokes § 41.0105 of the TEX. CIV. PRAC. & REM. CODE and requests that to the extent Plaintiff seeks recovery of medical or healthcare expenses, the evidence to prove such loss be limited to the amount actually paid or incurred by or on behalf of the Plaintiff, as opposed to the amount charged.

**X.
JURY DEMAND**

General Motors respectfully demands a jury for the trial of this matter.

**XI.
REQUEST FOR DISCLOSURE**

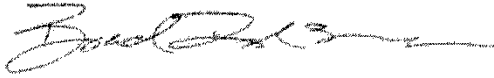
Pursuant to Rule 194, request is made that Plaintiff disclose, within thirty (30) days of service of this request, the information or material described in Texas Rule of Civil Procedure 194.2(a – l).

WHEREFORE, PREMISES CONSIDERED, Defendant General Motors, LLC respectfully prays that Plaintiff take nothing by this suit; for an award of all costs and expenses incurred on its behalf; and for such other and further relief, both at law and in equity, to which it may show itself justly entitled.

141-269957-14

FILED
TARRANT COUNTY
2/20/2014 9:20:01 AM
THOMAS A. WILDER
DISTRICT CLERK

Respectfully submitted,



KYLE DREYER

TX Bar No. 06119500

kdreyer@hdbdlaw.com

BRAD J. ROBINSON

TX Bar No. 24058076

brobinson@hdbdlaw.com

HARTLINE DACUS BARGER DREYER, LLP

6688 North Central Expressway, Suite 1000

Dallas, Texas 75206

Telephone: 214-369-2100

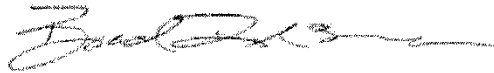
Facsimile: 214-369-2118

ATTORNEYS FOR DEFENDANT

GENERAL MOTORS, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been sent to all known counsel of record pursuant to the Texas Rules of Civil Procedure on this the 20th day of February, 2014.



JIMSGTM8

TARRANT COUNTY DISTRICT CLERK'S OFFICE
ALL TRANSACTIONS FOR A CASEPage: 1
Date: 02/20/2014
Time: 14:15

Cause Number: 141-269957-14		Date Filed: 01/03/2014	
RICHARD KNOX		GENERAL MOTORS, LLC ET AL	
		s	
Cause of Action: INJURY OR DAMAGE, OTHER INJURY OR DAMAGE			
Case Status.....: PENDING			
Filemark	Description	Fee Total	
01/03/2014	CIVIL INFORMATION SHEET	UI	0.00
01/03/2014	CIT SEC OF ST-ISSUED ON KATELYN BILODEAU-ON	NI	8.00
01/03/2014	CITATION TO SECRETARY OF STATE TR# 2 SCAN	UI	0.00
01/03/2014	COURT COST (PAID) trans #2	Y	8.00
01/03/2014	COPIES - ELECTRONIC	N	6.30
01/03/2014	COURT COST (PAID) trans #5	Y	6.30
01/03/2014	CIT SEC OF ST-ISSUED ON W.H.L. EQUIPMENT INC.-ON	NI	8.00
01/03/2014	CITATION TO SECRETARY OF STATE TR# 7 SCAN	UI	0.00
01/03/2014	COURT COST (PAID) trans #7	Y	8.00
01/03/2014	COPIES - ELECTRONIC	N	6.30
01/03/2014	COURT COST (PAID) trans #10	Y	6.30
01/03/2014	CIT Sec of St-ISSUED ON LEONI EQUIPMENT COMPANY	NUI	8.00
01/03/2014	CITATION TO SECRETARY OF STATE TR# 12 SCAN	UI	0.00
01/03/2014	COURT COST (PAID) trans #12	Y	8.00
01/03/2014	COPIES - ELECTRONIC	N	6.30
01/03/2014	COURT COST (PAID) trans #15	Y	6.30
01/03/2014	CIT SEC OF ST-ISSUED ON COMMERCIAL CONTRACTING	NI	8.00
01/03/2014	CITATION TO SECRETARY OF STATE TR# 17 SCAN	UI	0.00
01/03/2014	COURT COST (PAID) trans #17	Y	8.00
01/03/2014	COPIES - ELECTRONIC	N	6.30
01/03/2014	COURT COST (PAID) trans #20	Y	6.30
01/03/2014	CITATION-ISSUED ON GENERAL MOTORS LLC-ON	NI	8.00
01/03/2014	CITATION TR# 22 SCAN	UI	0.00
01/03/2014	COURT COST (PAID) trans #22	Y	8.00
01/03/2014	COPIES - ELECTRONIC	N	3.15
01/03/2014	COURT COST (PAID) trans #25	Y	3.15
01/03/2014	CITATION-ISSUED ON W.P.M. INC.-ON 01/07/2014	NI	8.00
01/03/2014	CITATION TR# 27 SCAN	UI	0.00
01/03/2014	COURT COST (PAID) trans #27	Y	8.00
01/03/2014	COPIES - ELECTRONIC	N	3.15
01/03/2014	COURT COST (PAID) trans #30	Y	3.15
01/03/2014	CITATION-ISSUED ON WPM CONSTRUCTION SERVICES	NI	8.00
01/03/2014	CITATION TR# 32 SCAN	UI	0.00
01/03/2014	COURT COST (PAID) trans #32	Y	8.00
01/03/2014	COPIES - ELECTRONIC	N	3.15
01/03/2014	COURT COST (PAID) trans #35	Y	3.15
01/03/2014	CITATION-ISSUED ON WPM-SOUTHERN LLC-ON	NI	8.00
01/03/2014	CITATION TR# 37 SCAN	UI	0.00
01/03/2014	COURT COST (PAID) trans #37	Y	8.00
01/03/2014	COPIES - ELECTRONIC	N	3.15
01/03/2014	COURT COST (PAID) trans #40	Y	3.15
01/03/2014	CITATION-ISSUED ON CHRISTOPHER J. LEONI-ON	NI	8.00
01/03/2014	CITATION TR# 42 SCAN	UI	0.00

JIMSGTM8

TARRANT COUNTY DISTRICT CLERK'S OFFICE
ALL TRANSACTIONS FOR A CASEPage: 2
Date: 02/20/2014
Time: 14:15

Cause Number: 141-269957-14		Date Filed: 01/03/2014	
RICHARD KNOX	v	GENERAL MOTORS, LLC ET AL	
	s		
Cause of Action: INJURY OR DAMAGE, OTHER INJURY OR DAMAGE			
Case Status.....: PENDING			
Filemark	Description	Fee Total	
01/03/2014	COURT COST (PAID) trans #42	Y	8.00
01/03/2014	COPIES - ELECTRONIC	N	3.15
01/03/2014	COURT COST (PAID) trans #45	Y	3.15
01/03/2014	PLTF ORIG PETITION	NI	274.00
01/03/2014	COURT COST (PAID) trans #47	Y	274.00
01/03/2014	E-FILE TRANSACTION FEE	N	2.00
01/03/2014	COURT COST (PAID) trans #49	Y	2.00
02/18/2014	COMMERCIAL CONTRACTING'S & K. BILODEAU'S ORIG ANS	I	0.00
02/18/2014	E-FILE TRANSACTION FEE	N	2.00
02/18/2014	COURT COST (PAID) trans #52	Y	2.00
02/18/2014	VERIFICATION FROM SECRETARY OF STATE-COMMERCIAL	I	0.00
02/18/2014	E-FILE TRANSACTION FEE	N	2.00
02/18/2014	COURT COST (PAID) trans #55	Y	2.00
02/20/2014	GENERAL MOTORS LLC'S ORIG ANSWER	I	0.00
02/20/2014	E-FILE TRANSACTION FEE	N	2.00
02/20/2014	COURT COST (PAID) trans #58	Y	2.00

Total Number Of Records Printed: 59